

REMARKS

I. The Restriction Requirement

In response to the restriction requirement, Applicant hereby elects Group I without traverse and withdraws non-elected claims 15-16, 21, and 26 without prejudice.

II. The 35 U.S.C. §102 Rejection

Claim 13 was rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0087894 to Foley ("FOLEY"). Applicant respectfully traverses the rejection.

It is axiomatic that the cited reference in a §102 rejection must disclose every element in the rejected claim. Element (b) of claim 13 has been amended to include the limitation of previously securely providing a first authentication sample to the user prior to receiving the first authentication sample from the user via a first communication channel. This limitation is supported by at least paragraphs 3 and 4 on page 10 of the Specification;¹ thus, it is not new matter.

Neither FOLEY nor KELLY (or a combination thereof) discloses or suggests securely providing a first authentication sample to a user then receiving the same sample via a first communication channel. Thus, based on the foregoing, Applicant respectfully submits that claim 13 is in condition for allowance.

III. The 35 U.S.C. §103 Rejections

Claims 1-2, 5-6, 8-9, 11, 14, 17-19, and 22-24 were rejected under 35 U.S.C. §103(a) as being unpatentable over FOLEY in view of U.S. Patent No. 6,678,826, to Kelly ("KELLY"). Applicant respectfully traverses the rejections.

¹ The embodiments and implementations disclosed in the Specification are merely exemplary. Thus, the claim terms should not be construed to be limited to only those exemplary embodiments and implementations.

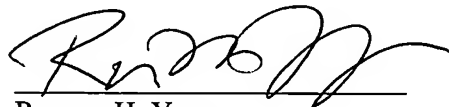
Independent claims 1, 17, and 22 have been similarly amended as in claim 13. Thus, based on the foregoing arguments regarding claim 13, Applicant submits that the 103 rejections are now moot and all pending claims should be in condition for allowance.

IV. Conclusion

In view of the foregoing, it is respectfully submitted that the application is now in condition for allowance. Should the Examiner believe that a telephone interview would help advance the prosecution of this case, the Examiner is requested to contact the undersigned attorney.

Respectfully submitted,

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